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EXAMINER	
DZIERZYNSKI, EVAN P	

ART UNIT	PAPER NUMBER
2875	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/561,822	JOHNSON III ET AL.	
	Examiner	Art Unit	
	EVAN DZIERZYNSKI	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-7,9-23,25,26 and 29-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-7,9-23,25,26 and 29-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 5, 6, 9, 11, 14, 15, 18-23, 32, 33, 35, and 36 rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. US PAT 6688753 in view of Piepgras et al. US PAT 6965205.

As for claim 1, Calon discloses an illumination socket 70 mounting an illumination bulb Fig 1 chosen from the group consisting essentially of incandescent bulbs, fluorescent bulbs 10, and halogen bulbs, which the bulb emits light when supplied with electrical power (col 3, ln 35+), a plurality of LEDs (col 3, ln 44) which emit light of different colors when supplied with electrical power (col 2, ln 55+), a base 70 in which the illumination socket and the LEDs are positioned in proximity to each other (Fig 1), a first electrical circuit connected to supply power to an illumination bulb 10 mounted in the socket causing the bulb to emit light, a second electrical circuit connected to supply power to the LEDs causing the LEDs to emit light of different colors , and a switching means (col 2, ln 1+, col 4, ln 23+) for selectively switching the application of electrical power between the first electrical circuit and the second electrical circuit (abstract, col 4, ln 23+).

Calon fails to teach or disclose a user interface provided on the base, and a programmable circuit connected to the second circuit configured to adjust the intensities of the light of different colors according to a predetermined program indicated by the user interface. Piepgras teaches a user interface provided on a base (165, 185, Fig 7, Fig 8), and a programmable circuit (abstract, col 2, ln 65+) configured to adjust the intensities of lights of different colors (col 12, ln 10+) according to a predetermined program indicated by the user interface (col 11, ln 18+). It would have been obvious for one of ordinary skill in the art to combine the user interface and the programmable processor of Piepgras with second circuit of the lighting device of Calon to provide a local means for selecting modes and parameters for operation of the lighting device. One would have been motivated to make this combination to provide the user with an improved means for locally controlling modes/intensities of the lighting device.

As for claims 2 and 6, Calon discloses a dimmer to adjust the intensity of the illuminating light (col 1, ln 65).

As for claim 5, Calon discloses an illumination source chosen from the group consisting essentially of incandescent, fluorescent 10, and halogen light emitting devices that emit light (col 3, ln 35+), a plurality of LEDs (col 3, ln 44) which emit light of different colors (col 2, ln 55+), a base 70 on which the illumination source and the LEDs are mounted in proximity to each other (Fig 1), the base being configured to mount in a light bulb socket (via 71, Fig 1), a first electrical circuit (col 4, ln 23+) connected to supply power to the illumination source 10 mounted, a second electrical circuit (col 2, ln 55+, col 4, ln 23+) connected to supply power to the LEDs, and a switch (col 2, ln 1+,

col 4, ln 23+) for selectively switching the application of electrical power between the first electrical circuit and the second electrical circuit (abstract, col 4, ln 23+).

Calon fails to teach or disclose a user interface provided on the base, and a programmable circuit connected to the second circuit configured to adjust the intensities of the light of different colors according to a predetermined program indicated by the user interface. Piepgras teaches a user interface provided on a base (165, 185, Fig 7, Fig 8), and a programmable circuit (abstract, col 2, ln 65+) configured to adjust the intensities of lights of different colors (col 12, ln 10+) according to a predetermined program indicated by the user interface (col 11, ln 18+). It would have been obvious for one of ordinary skill in the art to combine the user interface and the programmable processor of Piepgras with second circuit of the lighting device of Calon to provide a local means for selecting modes and parameters for operation of the lighting device. One would have been motivated to make this combination to provide the user with an improved means for locally controlling modes/intensities of the lighting device.

As for claim 9, Calon fails to teach or disclose a sensor, connected to the second electrical circuit, wherein the programmable circuit adjusts one of the intensities and colors of the light of different colors in response to a signal from the sensor.

Piepgras further teaches a sensor for sensing at least one of temperature, scent, motion, and sound (col 19, ln 62+), connected to an electrical circuit, wherein the programmable circuit adjusts one of the intensities and colors of the light of different colors in response to a signal from the sensor (col 19, ln 62+col 27, ln 37+). It would have been obvious for one of ordinary skill in the art to combine the sensor and related

circuitry of Piepgras in the device of Calon where it is desired to alter the lighting effects of the device in response to temperature, ambient sound or light (col 19, ln 65+ Piepgras). One would have been motivated to make this combination to provide additional means for controlling the device of Calon.

As for claim 11, Calon discloses a base 70, 71 configured to mate with a light bulb socket (Fig 1), at least one compact fluorescent bulb (10, abstract) mounted on the base (Fig 1), a plurality of LEDs (col 3, ln 44) mounted on the base (20, Fig 1), which emit light of different colors (col 2, ln 55+), a control circuit (col 4, ln 23+) which supplies power from the light socket (via 73a, 73b), when the base is mounted therein, to the at least one fluorescent bulb and the plurality of LEDs (Fig 1), and a translucent housing 60 mounted on the base and containing the at least one fluorescent bulb and the plurality of LEDs (Fig 1).

Calon fails to teach or disclose a control circuit including a user interface; the user interface allows a user to activate on or more of a plurality of predetermined presentations. Piepgras teaches a control circuit with a user interface (165, 185, Fig 7, Fig 8), the user interface allows a user to activate one or more of a plurality of predetermined presentations (col 11, ln 18+). It would have been obvious for one of ordinary skill in the art to combine the control circuitry and user interface of Piepgras with the lighting device of Calon to provide a local means for selecting modes and parameters for operation of the lighting device. One would have been motivated to make this combination to provide the user with an improved means for locally controlling modes/intensities of the lighting device.

As for claim 12, Calon fails to specifically teach or disclose a plurality of compact fluorescent bulbs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a plurality of compact fluorescent bulbs for more lighting, since it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As for claims 14, 15, 18, and 19, Calon further discloses that the LEDs 20 are positioned around the fluorescent bulb 10 in a circumferential direction, and discloses that the LEDs are different color LEDs (col 2, ln 55+). See the discussion in regard to claim 12 above for providing a plurality of CFLs.

As for claim 20, Calon discloses that the at least one fluorescent bulb and the plurality of LEDs are powered from a common circuit board (col 4, ln 23+ control circuit).

As for claims 21-23, Calon discloses that the fluorescent bulb emits light, but fails to teach or disclose the range of the fluorescent bulb being 160-4200, 240-2625, and 320-2100 lumens. Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

As for claims 32, 35, and 36, Calon discloses a base 70, 71 configured to mat with a light bulb socket (Fig 1), a light fluorescent light emitting device 10 mounted on and receiving power from the base (via circuitry and 73a, 73b), a plurality of LEDs (col 3, ln 44) mounted on and receiving power from the base, the LEDs emit light of different

colors (col 2, ln 55+), a translucent housing 60 mounted on the base containing the light emitting device and the plurality of LEDs (Fig 1).

Calon also discloses the use of a dimmer switch (col 1, ln 60+) but fails to specifically teach or disclose a programmable processor that controls the activation, color, and intensity of the light emitted from the LEDs, and a user interface connected to the programmable processor for instructing the processor to perform a plurality of predetermined presentations of light emission, each of which varies at least one of the color and intensity of light emitted from the housing by the plurality of light emitting diodes; the device with a memory storing programs for instructing the processor to perform the plurality of predetermined presentations as instructed by the user interface, and fails to teach or disclose that the programs may also be activated remotely by a user.

Piepgras teaches a user interface (165, 185, Fig 7, Fig 8) connected to a programmable circuit for instructing the processor to perform a plurality of predetermined presentations of light emission (abstract, col 2, ln 65+, col 11, ln 18+, col 12, ln 10+) adjust the intensities of the light of different colors according to a predetermined program indicated by the user interface. Piepgras also teaches the device with a memory(abstract, col 2, ln 65+) storing programs for instructing the processor to perform the plurality of predetermined presentations as instructed by the user interface (col 11, ln 18+, col 12, ln 10+), and that the device may also be activated remotely by a user (col 11, ln 1+). It would have been obvious for one of ordinary skill in the art to combine the user interface and the programmable processor and remote

controller of Piepgras with the lighting device of Calon to provide a local and remote means for selecting modes and parameters for operation of the lighting device. One would have been motivated to make this combination to provide the user with an improved means for locally controlling modes/intensities of the lighting device. It would have been an obvious matter of design choice to have each of the predetermined presentations vary at least one of the color and intensity of light emitted, where it is desired to have a lighting device with completely different light shows. One would have been motivated to use different predetermined presentations of the color and intensity for aesthetic reasons. *KSR International Co. v. Teleflex Inc.*, 550 U.S. -, 82 USPQ2d 1385 (2007).

As for claim 33, Calon discloses that the fluorescent bulb emits light, but fails to teach or disclose the range of the fluorescent bulb being 320-2100 lumens. Since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only ordinary skill in the art. *In re Aller*, 105 USPQ 233.

Claims 3, 7, 25, 26, 29, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. and Piepgras, as applied to claims 1, 5, and 11 above, and further in view of Vanderschuit US 2004/0264187.

As for claims 3 and 7, Calon fails to teach or disclose the second electrical circuit with a dimmer for selective adjustment of the intensities of light of different colors. Vanderschuit teaches a dimmer (paragraph 0033, control circuit 46) switch that controls intensity of LEDs (paragraph 0035) of different colors. It would have been obvious for

one of ordinary skill in the art to use the dimmer circuitry of Vanderschuit with the second circuit of the lighting device of Calon to provide an improved means of controlling the intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light.

As for claims 25 and 26, Vanderschuit teaches a processor 46 for controlling the control circuit to control the plurality of LEDs 18 to produce at least one predetermined presentation of light which varies, during the presentation (paragraph 0033, modes), at least one of the color and the intensity from the housing by the plurality of LEDs (paragraph 0033), and further teaches a memory (48, integrated circuit assembly) storing one or more programs defining the predetermined presentation (paragraph 0033), a user interface 50 to select a presentation that allows a user to perform activating one or more of a plurality of predetermined presentations (paragraph 0033). It would have been obvious for one of ordinary skill in the art to use the processor with control circuitry, light shows, memory, and activations means Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light that allows a user to select among various operating modes for the LEDs (paragraph 0033, Vanderschuit).

As for claim 29, Calon further discloses activating/deactivating the device by a remote control mechanism (col 1, ln 55). See the discussion above in regard to claim 11 for combining with Piepgras for a processor that can activate one or more of a plurality of predetermined presentations.

As for claim 34, Calon discloses that LEDs are mounted in a circumferential direction (20, Fig 1), and are different color LEDs (col 2, ln 55+). As for providing a plurality of adjacent LEDs circumferentially, Vanderschuit teaches a plurality of LEDs that are adjacent to one another and are circumferentially placed around a bulb (18, Fig 1). It would have been obvious for one of ordinary skill in the art to provide a plurality of LEDs in an adjacent circumferential manner for the device of Calon for more luminance and aesthetic reasons. One would have been motivated to make this combination where more LED lumince is desired.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. and Piepgras, as applied to claim 5 above, and further in view of Martich US PAT 5961204.

As for claim 10, Calon fails to teach or disclose that the illumination source is releasably mounted in the light bulb. Martich teaches an illumination source that is releasably mounted in a light bulb (14, col 3, ln 30+). It would have been obvious for one of ordinary skill in the art to use the replaceable illumination sources of Martich with the device of Calon to allow the user to replace the CFL tube at the end of its life. One would have been motivated to make this combination to extend the life of the entire lighting apparatus.

Claims 13 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. and Piepgras, as applied to claim 11 above, and further view of Li 2003/02233230.

As for claim 13, the bulb of Calon is about 2 to 21 inches in length (Fig 1), but fails to show a plurality of folds to form lengths extending up from the base within the housing. Li teaches a CFL with a plurality of folds that extend up from a base (Fig 4). It would have been obvious for one of ordinary skill in the art to use the coiled, folded CFL of Li with the device of Calon to provide a CFL with a plurality of loops for more luminance. One would have been motivated to make this combination to improve the lighting device of Calon.

As for claims 16 and 17, Calon further discloses that there are a plurality of different color LEDs 20 positioned around the fluorescent bulb 10 in a circumferential direction, and discloses that the LEDs are different color LEDs (col 2, ln 55+).

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. and Piepgras, as applied to claim 11 above, and further in view of Weng US PAT 6759966.

As for claims 30 and 31, Calon fails to teach or disclose a sensor for sensing power activation so as to enable the user to remotely control the processor by toggling a power switch that controls the power through the light socket on which the bulb is mounted, wherein the sensor that enables the processor to be remotely controlled by one of a infrared and radio signal. Weng teaches a sensor 22 for sensing power activation (col 2, ln 18+) so as to enable the user to remotely control the processor by toggling a power switch (col 2, ln 66) that controls the power through the light socket on which the bulb is mounted, wherein the sensor that enables the processor to be remotely controlled by one of a infrared and radio signal (col 2, ln 20+). It would have

been obvious for one of ordinary skill in the art to use the sensor, switching means, and radio frequency wireless communication means of Weng in the device of Calon to provide an improved remote controlling means for the controlling of a bulb to be turned on or off through a wireless remote control way (col 1, ln 32+). One would have been motivated to make this combination to provide an improved wireless means that allows bulbs to be zoned or grouped to achieve convenience and flexibility in management.

Claims 37 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calon et al. in view of Vanderschuit.

As for claim 37, Calon discloses a base 70, 71 configured to mat with a light bulb socket (Fig 1), a light fluorescent light emitting device 10 mounted on and receiving power from the base (via circuitry and 73a, 73b), a plurality of LEDs (col 3, ln 44) mounted on and receiving power from the base, the LEDs emit light of different colors (col 2, ln 55+), a translucent housing 60 mounted on the base containing the light emitting device and the plurality of LEDs (Fig 1), and further discloses a user interface (toggle-switch) that controls the activation of the light emitted from the plurality of LEDs (col 2, ln 3+). Calon also discloses the use of a dimmer switch (col 1, ln 60+) but fails to specifically teach or disclose that the toggle switch controls the color and intensity of the light emitted from the LEDs. Vanderschuit teaches a switch that controls the color and intensity of LEDs (paragraph 0035). It would have been obvious for one of ordinary skill in the art to use the switch and circuitry of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One

would have been motivated to make this combination to provide an improved means for controlling the light.

As for claim 38, Vanderschuit further teaches a processor 46 for controlling the control circuit to control the plurality of LEDs 18 to a plurality of predetermined presentations of light emission stored in a bulb which varies, during the presentation (paragraph 0033, modes), at least one of the color and the intensity from the housing by the plurality of LEDs (paragraph 0033). See the discussion in regard to claim 37 for the motivation for combining Vanderschuit with Calon. It would have been obvious for one of ordinary skill in the art to combine the control circuitry with light shows of Vanderschuit with the lighting device of Calon to provide a means of controlling the color and intensity of the light of the LEDs. One would have been motivated to make this combination to provide an improved means for controlling the light that allows a user to select among various operating modes for the LEDs (paragraph 0033, Vanderschuit).

Response to Arguments

Applicant's arguments with respect to claims 1, 5, 9, 11, 32, and 35 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the amendments filed 2/17/2009. Additionally, combining the user interface and controlling circuitry of Piegras with Calon does not render the reference unsatisfactory for its intended purpose. Combining circuitry and a user interface from one lighting device to another lighting device is within the realm of ordinary skill in the art. Please see the discussions above for the motivation for the combinations made for these claims.

Applicant's arguments filed in regard to claim 37 have been fully considered but they are not persuasive. Calon in view of Vanderschuit meet the claimed limitations. Combining the user interface and circuitry of Vanderschuit with Calon does not render the reference unsatisfactory for its intended purpose. Please see the discussions above for the motivation for combining Vanderschuit with Calon.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN DZIERZYNSKI whose telephone number is (571)272-2336. The examiner can normally be reached on Monday through Friday 8:00 am -4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached on M-F (571)-272-2378. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. D./
Examiner, Art Unit 2875

/Ali Alavi/

Primary Examiner, Art Unit 2875